UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,364	01/16/2004	Keiichi Iwamura	CFA00042US	9938

34904   7590   12/28/2007
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
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EXAMINER
WYSZYNSKI, AUBREY H

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/759,364	IWAMURA ET AL.
	Examiner	Art Unit	
	Aubrey H. Wyszynski	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 September 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-23,28-31 and 36-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-23,28-31 and 36-46</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>7/10/07</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   The response of 9/24/07 was received and considered.

2.   Claims 1-19, 24-27 and 32-35 are canceled.

3.   Claims 20-23, 28-31 and 36-46 are pending.

Response to Arguments

4.   Applicant's arguments with respect to claims 20-23, 28-31 and 36-46 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   Claims 20-23 and 38 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

7.   Claims 20-23 and 38 are directed towards an image processor (software per se)

which is not tangibly embodied on a computer readable medium.

Claim Objections

8.   Claims 36-37 objected to because of the following informalities: Claims 36-37

should be rewritten in independent form in order to over come the 35 USC 101

rejections of claims 20-23 and 38. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 20-23, 28-31 and 36-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bloomberg, U.S. Patent No. 5,761,686 and further in view of

Matsunoshita, U.S. Patent Application Publication No. 2003/0179412.

Regarding claims 20-22 and 30, Bloomberg discloses an image processor comprising:

a digital watermark embedding means unit for embedding digital watermark data in text

and/or image data (fig. 1, #230, binary data) which is to be combined with a patterned

image (fig. 1, #210 input text image);and

a combining means unit for combining the text and/or image data in which the digital

watermark data is has been embedded by the digital watermark embedding means unit

and the patterned image data in which the digital watermark data has not been

embedded (fig. 1 illustrates a flowchart for encoding binary data in an iconic image

version of an original input text image);

wherein the digital watermark embedding means unit embeds the digital watermark data

in the text by controlling the character spacing in the text (fig. 9, interblock spacing, block length, block height, interline spacing); wherein the digital watermark embedding means unit embeds the digital watermark data in the text by rotating characters in the text (fig. 12 and Matsunoshita ¶[0052]). Bloomberg lacks or does not expressly disclose wherein the input text image is a patterned image. However, Matsunoshita discloses a patterned image ¶[0021]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bloomberg with the system of Matsunoshita in order to combine the digital watermark text and/or image data with the patterned image in order to embed information in predetermined spatial intervals, as taught by Matsunoshita ¶[0021].

Regarding claim 23, Matsunoshita further discloses image processor according to claim 20 further comprising:

a receiving unit means for receiving a permission code for copying image data of combined image data combined by the combining means;

wherein the digital watermark data is data regarding the permission code for copying image data received by the receiving means (fig. 8 #S212, continue copying operation permission and S226 detection of process condition code).

As per claims 28-31 and 36-37, this is an image processing method version of the

claimed image processor discussed above in claims 20-23 wherein all claimed

limitations have also been addressed and/or cited as set forth above.

Regarding claims 39-42, Bloomberg discloses an image processor comprising:

an inputting unit for reading a recording medium and inputting read image data (fig. 1,

#210), the recording medium having patterned image data printed thereon and image

data including embedded information, the patterned image data including a latent image

unperceivable by human eyes, the latent image being formed more clearly on a copy-

destination recording medium when information recorded on the recording medium is

copied by a copying machine. Bloomberg lacks or does not expressly disclose a

patterned image including a latent image. However, Matsunoshita discloses producing

patterned image ¶[0021] wherein the patterned image data includes a latent image

¶[0054]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the system of Bloomberg with the system of

Matsunoshita in order to read a patterned image including a latent image in order to

arrange a copy inhibition code, as taught by Matsunoshita ¶[0054].

Bloomberg further discloses a separating unit for separating the read image data input

by the inputting unit to obtain the image data including the embedded information (fig.

17, a flowchart illustrating the general operation of the decoding operation); and

Matsunoshita further discloses an outputting unit for controlling output of combined image data produced by combining new patterned image data with the image data including the embedded information, the new patterned image data including a latent image unperceivable by human eyes, the latent image being formed more clearly on the copy-destination recording medium when information recorded on the recording medium is copied by the copying machine (¶[0211] and fig. 4, #S138); wherein the outputting unit includes an extracting unit for extracting the embedded information from the image data obtained by the separating unit, with the embedded information embedded therein,

wherein the outputting unit outputs the combined image data when the embedded information extracted by the extracting unit includes information indicating permission for copying the whole read image data ¶[0066],

wherein the outputting unit cuts out and outputs a part of the combined image data when the embedded information extracted by the extracting unit includes information indicating permission for copying a part of the read image data, and

wherein the outputting unit does not output the combined image data when the embedded information extracted by the extracting unit includes information indicating prohibition of copying (fig. 8 illustrates the processing procedures of copying a document).

As per claims 43-46, this is an image processing method of the claimed image processor discussed above in claims 39-42 wherein all claimed limitations have also been addressed and/or cited as set forth above.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
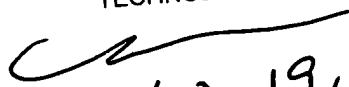
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AHW

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12/19/07